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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/757,626	01/14/2004	Janghwan Lee	PU030211	4858
24498	7590	05/13/2008		
Joseph J. Laks Thomson Licensing LLC 2 Independence Way, Patent Operations PO Box 5312 PRINCETON, NJ 08543			EXAMINER SHIBRU, HELEN	
			ART UNIT 2621	PAPER NUMBER
			MAIL DATE 05/13/2008	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/757,626	LEE, JANGHWAN	
	Examiner	Art Unit	
	HELEN SHIBRU	2621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 February 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 21-40 is/are pending in the application.
- 4a) Of the above claim(s) 24-27 and 34-36 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 21-23, 28-33 and 37-40 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>11/13/2007</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

1. Applicant's election with traverse of group I claims 21-23 and 28-33 in the reply filed on 02/13/2008 is acknowledged. The traversal is on the ground(s) that the search and examination of the entire application can still be made without serious burden to the Examiner. This is not found persuasive because the two inventions as claimed are entirely distinct. Claims 21-23 and 28-33 recite (emphasis added) “**in response to a pause command, setting a trick mode indicator of a last frame of video data to be displayed to indicate a freeze trick mode; and in response to a stop command, clearing a trick mode indicator of a last frame of video data to be displayed.**” And claims 24-27 and 34-36 are recite “**in response to a determination that video data is no longer being received**, examining a trick mode indicator of a last frame of video data received and if a trick mode indicator of the last received frame of video data indicates **a freeze trick mode**, repeatedly displaying the last received frame of video data on a display, and **if a trick mode indicator** of the last received frame of video data is **clear**, stopping the display of frames of said video data on the display.” Applicant attention is directed to the functions and the events of the two groups as claimed in the claims. For example Claim 21 recites in response to a stop command, clear while claim 24 recites if trick mode is clear, stop. The search of Group I does not include the search of Group II and the search of Group II does not include the search of Group I. There is serious burden to the Examiner because the searches of two Groups are different.

The requirement is still deemed proper and is therefore made FINAL. Claims 24-27 and 34-36 are withdrawn from consideration.

Response to Amendment

2. The amendments, filed 11/13/2007, have been entered and made of record. Claims 21-40 are pending.

Response to Arguments

3. Applicant's arguments filed 11/13/2007 have been fully considered but they are not persuasive. See below.

Applicant states "Aotake fails to teach or anticipate in response to a pause command, setting a trick mode indicator of a last frame of video data to be displayed to indicate a freeze trick mode; and in response to a stop command, clearing a trick mode indicator of a last frame of video data to be displayed"

In response the Examiner respectfully disagrees. Aotake discloses if a pause key is thrust with a moving picture, the picture becomes a still picture (referring to freeze trick mode). Aotake further discloses if a stop key is thrust, the playback control ceases to operate to return to the initial state (referring to clearing a trick mode indicator). Therefore Aotake in fact discloses the claims invention.

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., Applicant states Aotake absolutely fails to teach how the reproducing apparatus makes a distinction between a pause and a stop command) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Furthermore Aotake teaches pause function and stop function lead in to a distinct outcome.

The claimed invention does in fact read on the cited references for at least the reasons discussed above and as stated in the detail Office Action as follows. This Office action is now made final.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 21-23, 28-33, and 37-40 are rejected under 35 U.S.C. 102(b) as being anticipated by Aotake (US Pat. No. 5,732,067).

Regarding claim 21, Aotake discloses a method for communicating stop and pause commands in a video recording and playback system, comprising the steps of: in response to a pause command, setting a trick mode indicator of a last frame of video data to be displayed to indicate a freeze trick mode (see col. 28 lines 41-44); and in response to a stop command, clearing a trick mode indicator of a last frame of video data to be displayed (see col. 28 lines 39-41).

Regarding claim 22, Aotake discloses communicating the said video data to a display device (see col. 27 line 43-col. 28 line 47).

Regarding claim 23, Aotake discloses video data comprises packetized data (see col. 8 lines 21-36).

Regarding claim 28, Aotake discloses an apparatus for a video recording and playback system, comprising: a storage device storing at least video data (see fig. 2 and col. 5 lines 10-52) a controller in communication with said storage device for controlling the selection of stored video data to be displayed (see col. 28 lines 17-28); a processor in communication with the said controller (see col. 28 lines 6-16), said processor configured to perform the steps of in response to a pause command, setting a trick mode indicator of a last frame of video data to be displayed to indicate a freeze trick mode (see col. 28 lines 41-44); and in response to a stop command, clearing a trick mode indicator of a last frame of video data to be displayed (see col. 28 lines 39-41).

Regarding claim 29, Aotake discloses trick mode indicator comprises a trick mode flag of an MPEG-2 compliant video packet (see col. 27 lines 56-65).

Regarding claim 30, Aotake discloses the said video data comprises frames of video data having packet format (see col. 8 lines 21-36).

Regarding claim 31, Aotake discloses the said packet format comprises an MPEG-2 compliant video packet format (see col. 5 lines 10-39).

Regarding claim 32, Aotake discloses the said packet comprises a DSM-CC compliant video packet format (see cols. 17-28, it is inherent that the video packet is DSM-CC standard).

Regarding claim 33, Aotake discloses the said apparatus comprises a Personal Video Recording Device (see fig. 7 and col. 5 lines 10-39).

Regarding claim 37, Aotake discloses 37. (New) A video system including:

a sender including at least an input for receiving video data and an output for communicating packetized video data to a receiver(see fig. 2, fig. 7, col. 8 line 21-col. 12);

said sender responsive to user commands(see fig. 2 remote controller 9 where user input commands); said receiver including at least an input for receiving said packetized data(see cols. 5-6 and col. 8); and an output for providing corresponding video images formatted for display(see fig. 2 component D/A(23) and picture output (26) and fig. 13); and

a user operable control device for communicating said user commands to said sender(see fig. 2 and col. 28 lines 17-28); said commands including at least a pause command and a stop command (see col. 28 lines 17-28); wherein in response to a received pause command, said sender sets a trick mode indicator of a last frame of said packetized video data to be communicated to said receiver to indicate a freeze trick mode and in response to a received stop command, said sender clears a trick mode indicator of a last frame of said packetized video data to be communicated to said receiver (see col. 28 lines 29-47);and wherein in response to a determination by the receiver that packetized video data is no longer being received, the receiver examines a trick mode indicator of a last frame of received video data and if a trick mode indicator of the last received frame of video data indicates a freeze trick mode, the last received frame of video data is repeatedly displayed on a display, and if a trick mode indicator of the last received frame of video data is clear, the display of frames of said video data on the display is stopped (see claim 21 rejection above).

Claim 38 is rejected for the same reason as discussed in claim 22 above.

Regarding claim 39, Aotake discloses said video system comprises a High Definition Television system (see col. 6 lines 13-44 and col. 7 lines 46-53).

Claim 40 is rejected for the same reason as discussed in claims 29 and 31

Conclusion

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to HELEN SHIBRU whose telephone number is (571)272-7329. The examiner can normally be reached on M-F, 8:30AM-5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, THAI Q. TRAN can be reached on (571) 272-7382. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/HELEN SHIBRU/
Examiner, Art Unit 2621
April 30, 2008

/Thai Tran/
Supervisory Patent Examiner, Art Unit 2621